

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

12

DECISION

TOPIC

**Emergency Rule- Amendments to Chapter 134, Certification of
Groundwater Professionals and Underground Storage Tank (UST)
Compliance Inspectors**

The Department presents these rules for emergency adoption by the Commission in order to satisfy the requirements of the Iowa Act.

The Department proposed and the Iowa Legislature passed legislation (SF 499/HF792) (Iowa Act) this session granting the Commission take over administration of the UST installer and installer inspector licensing program which has previously been administered under rules adopted by the Iowa UST Fund Board. The Iowa Act requires the Commission to adopt the UST Fund Board's existing rules by emergency rule making no later than August 1, 2007. The Commission is then required to initiate a notice of intended action to fully implement a licensing program applicable not only to UST installers and installer inspectors but person who remove and test USTS.

Elaine Douskey, Supervisor
Underground Storage Tanks Section
Environmental Protection Division

June 12, 2007

ENVIRONMENTAL PROTECTION

COMMISSION[567]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 455B.474 and 2007 Iowa Acts, S.F. 499, section 10 (the Act), the Environmental Protection Commission (Commission) amends 567 Iowa Administrative Code Chapter 134, "Certification of Groundwater Professionals and Underground Storage Tank (UST) Compliance Inspectors".

2007 Iowa Acts, S.F. 499, section 10 requires the Commission to adopt existing Iowa Comprehensive Petroleum Underground Storage Tank Board (Board) contained in 591 Iowa Administrative Code chapter 15 by emergency rulemaking no later than August 1, 2007. These existing Board rules pertain to the licensing of (UST) installers, installer inspectors, testers and UST liners. Pursuant to the Act, the Board licensing authority for UST installers, installer inspectors, testers and liners is being transferred to the Commission and these emergency rules are intended to effectuate that transition. Section 6 of the Act also grants rulemaking authority to the Commission to expand on the licensing requirements for UST installers, installer inspectors, testers, liners and includes authority to establish a new licensing program for persons who provide services for the permanent closure USTS. The Commission intends to initiate a separate notice of intended action to further implement the authority granted in section 6 of the Act, but these emergency rules provide for the transition of existing licensing authority from the Board to the Commission.

These rules amend the existing Board rules only to the extent necessary to transfer existing rules to the Commission and the intent is not to change the substantive provisions of the existing Board rules.

As provided in section 10 of the Act, these rules are effective upon filing with the administrative rules coordinator.

Since this is a transfer of existing licensing authority from the Board to the Commission, there is no additional annual expenditures by all affected parties in excess of \$100,000 or \$500,000 within five years; and therefore, a fiscal impact statement as provided in Iowa Code section 17A.4(3) is not required.

These rules are intended to implement 2007 Iowa Acts, S.F. 499, section 10.

The following new part to 567 Iowa Administrative Code chapter 134 is adopted.

Chapter 134

ITEM 1. Replace the title to chapter 134 as follows:

Underground Storage Tank Licensing and Certification Programs

ITEM 2. Add the following Part B to 567--Chapter 134.

PART C

UST INSTALLER AND INSPECTOR LICENSING

591—134.17 (455B) Definitions. As used herein:

“Board” means the Iowa comprehensive petroleum underground storage tank fund board.

“Certificate of noncompliance” means a document provided by the child support recovery unit certifying that the named obligor is not in compliance with a support order or with a written agreement for payment of support entered into by the unit and the obligor.

“Child support recovery unit” means the child support recovery unit created by Iowa Code section 252B.2.

“Deductible” means the portion of a claim paid by insureds on the policy issued by the board.

“Department” means the Iowa department of natural resources.

“Inspector” means a licensed individual who is engaged in the inspection and approval of the installation of new or upgraded underground storage tank systems.

“Installer” means a licensed individual or licensed company engaged in the installation of a new underground storage tank system or the upgrading or lining of existing underground storage tank systems.

“In the aggregate” means for all claims or suits in a single year seeking damages under an insurance policy issued by the board.

“Licensed company” means a person, or company which employs a person who meets all of the qualifications to install, upgrade, repair, test or line underground storage tank systems.

“Licensed individual” means an individual who has received a license to perform any of the activities regulated under this chapter.

“Liner” means a licensed company or an individual who lines a tank using an acceptable procedure under subrule 134.24(2).

“Maintenance” means minor service work to existing equipment, associated with underground storage tank systems, which is installed above grade level and can be observed from grade level. Maintenance does not require licensing.

“Obligor” means a natural person as defined in Iowa Code section 252B.1 who has been ordered by a court or administrative agency to pay support.

“OSHA” means the Occupational Safety and Health Act.

“Precision test” means a tank and line tightness test that meets the requirements in Iowa Administrative Code 567—135.4(455B).

“Removal” means the process of removing and disposing of an underground storage tank system no longer in service or the process of abandoning an underground storage tank system in place, in accordance with DNR rule 567—135.9(455B).

“Repair” means modification or correction of any existing portion of an underground storage tank system through such means as replacement of valves, fillpipes, vents, liquid level monitoring systems, and installation of spill and overfill devices, provided the activity occurs above grade, and the maintenance and inspection of the efficacy of cathodic protection devices. Repair does not include activities which are maintenance as defined in this chapter.

“Self-insured retention” means the portion of a claim paid by insureds who self-insure a portion of their risk as part of a policy issued by the board. Expenses included as a part of the self-insured retention are the cost of claims settlements or suits, the cost of adjusting, legal fees, court costs and any other investigative cost associated with the claim.

“Tester” means a licensed company or individual who tests tanks, lines, leak detection systems, or monitoring systems, using an acceptable procedure under subrule 134.23(2). For the purposes of this definition, an owner, operator or one of their employees performing vapor monitoring, cathodic protection tests, statistical inventory reconciliation or using an automated in-tank gauging device installed at a site location they own or operate shall not be defined as a tester. An owner or operator or one of their employees may also perform volumetric, nonvolumetric or

vacuum tests on their own tanks and hydrostatic pressure tests on their own lines, provided they have received certification from the manufacturer or supplier of the system for its usage and the system has been approved by the USEPA.

“Testing” means the process of utilizing a system to test underground storage tank systems or any part thereof for tightness, leak detection, cathodic protection or monitoring.

“Underground storage tank system” means tank or tanks and associated piping intended to contain and dispense petroleum products and for which proof of financial responsibility is, or on a date definite will be required to be maintained pursuant to the Federal Resource Conservation and Recovery Act, 40 CFR 280, and the regulations in effect on December 31, 1994, adopted pursuant to that Act or successor Acts or amendments.

“Unit” means the child support recovery unit created in Iowa Code section 252B.2.

“USEPA” means the United States Environmental Protection Agency.

“Withdrawal of a certificate of noncompliance” means a document provided by the unit certifying that the certificate of noncompliance is withdrawn and that the licensing authority may proceed with issuance, reinstatement, or renewal of an obligor’s license.

567—134.18(455B) Applicability of Part C. All persons and companies who are currently licensed under the former Board rules in 591-chapter 15 shall be subject to this Part C of chapter 134. All persons conducting underground storage tank installations and installation inspections as provided in 135.3(1)"e"(2) and installers, installer inspectors and testers required to be licensed under Board rules shall be licensed by the Department in accordance with this chapter.

567—134.19(455B) Licensing—general and fees. Effective January 1, 1995, new and renewal licenses shall be on a calendar-year basis, with the licensing fees to be prorated from the date of application or expiration of license to cover the time period to the next anniversary date. The license application will note the type of work the individual or company will be performing. Persons working for a licensed company as an installer, liner or tester may not provide services as an inspector on sites that are being installed, upgraded or lined by that employer for the period of employment and the first six months following termination of employment with that company.

Persons working for a licensed company as an installer, liner or tester may provide services as an inspector on sites that are being installed or lined by their prior employer six months after leaving the licensed company. If a licensed individual leaves the employment of a licensed company, the licensed company shall notify the department within 30 days of that occurrence.

134.19(1) *Licensing of individuals.* Licenses will not be issued to persons who are in noncompliance with the child support recovery unit. The following individuals shall be licensed:

a. Installers, liners and testers. The license application will note the type of work the individual will be performing: installation or the upgrading of underground liquid storage tank systems to meet federal USEPA or 591—11.4(455G) requirements, corrosion protection, monitoring and leak detection systems, tank lining, tank and line tightness testing and removal done in conjunction with the above. The annual license fee is \$35. The annual \$35 individual fee is waived for a sole proprietor doing business as a licensed company.

b. Inspectors.

(1) The application for an inspector will note the type of work the inspector will be performing: inspections of underground storage tank systems or any part thereof on new or upgraded equipment.

(2) Underground storage tank systems which have been lined do not require an internal inspection by the inspector, but shall meet all requirements as outlined herein for lining underground storage tank systems.

(3) Cathodic systems do not need a separate inspection if the only work being completed is adding cathodic protection designed by a corrosion expert to an existing system.

(4) The annual license fee is \$50.

134.19(2) *Licensed company.* Companies employing licensed individuals for installation, upgrading, lining or testing of underground liquid storage tank systems shall be registered as a licensed company. A company shall lose its license if it fails to employ at least one licensed individual or if it employs unlicensed individuals to do work requiring a license. Sole proprietors need only to apply for a company license. However, employees of a sole proprietor must be licensed individually under 134.19(1)“*a.*” The annual license fee is \$50.

134.19(3) *License not required.* A license is not required for the following list of exceptions:

a. Individuals or companies performing only underground storage tank system removal. Please note that they may be subject to requirements in subrule 134.19(4).

b. Individuals or companies performing maintenance as herein defined.

c. Individuals installing groundwater or vapor monitoring wells used in the remediation of a site or to be used for leak detection at a site. Please note that individuals installing wells might be subject to the requirements in 567—Chapters 134 and 135.

134.19(4) OSHA safety requirements. All licensed individuals and companies regulated under this chapter will conduct their work as required by OSHA safety requirements defined under 29 CFR 1910, effective on July 1, 1993. OSHA standards apply whenever flammable, combustible or hazardous materials are present, especially during the following activities:

a. Excavating, placing liquid underground storage tank systems in excavations, and ballasting liquid underground storage tank systems with flammable, combustible or hazardous materials.

b. Purging, cleaning and removal of liquid underground storage tank systems which have contained flammable, combustible or hazardous materials.

c. Testing as a part of an installation or after the system has been placed in service.

567—134.20(455B) Educational requirements for installers, liners, testers and inspectors.

134.20(1) Education and examination.

a. Prior to the issuance of a license as an installer, liner or inspector, the applicant shall successfully complete a course of instruction and pass a qualification examination approved by the Department, unless excepted under 134.20(2).

b. Examination requirements for all installers, liners, and inspectors are as follows:

(1) A passing grade of not less than 85 percent is required on the Iowa examination.

(2) Candidates who have failed the examination may not perform work unless supervised by the appropriate licensed individual for the work they are performing.

(3) A fee as approved by the Department may be charged for each examination and course of instruction.

(4) Nothing herein shall limit the right of the Department to require additional educational requirements of license holders.

134.20(2) *Exceptions on completion of the course of instruction or examination.* A course of instruction is not required in the following circumstances:

a. Individuals doing testing only are not required to complete the course of instruction. However, the Department will establish a separate test by January 1995 that all persons renewing their license as a tester will be required to take and pass in accordance with the same provisions outlined in 134.20(1) in order to renew their license in 1996. The test will cover all types of systems being installed and also leak detection requirements.

b. Installers, liners, testers or inspectors with more than two years' experience as an installer, inspector or liner as defined under rule 134.17(455B) may take the examination without taking the course. If the candidate is not successful on the second attempt, then an approved course and the Iowa examination shall be successfully completed in order to obtain a license.

134.20(3) *Reciprocity.* Persons who complete the University of Wisconsin Liquid Storage Tank Program, or a program offered by another state or recognized regulatory agency which covers installations of underground liquid storage tank systems and is approved by the Department, shall successfully pass the Iowa examination only. Candidates shall provide an outline and evidence of the successful completion of the course. If the content of the course taken is not similar to that offered by the Department, the Department may still require that the Iowa course be taken.

134.20(4) *Continuing education.* Effective January 1, 1995, each person licensed hereunder shall complete a refresher course covering changes in installation, lining and testing standards at least once every two years and the course shall be completed prior to the anniversary of the next license renewal. The Department shall evaluate continuing education courses. Testers are exempt from this requirement. The first refresher course shall be completed prior to the January 1, 1996, license renewal date for all individuals licensed on or after January 1, 1995.

567—134.21(455B) Environmental liability insurance requirements. All licensed installers, liners, testers and inspectors are required to have environmental liability insurance with minimum liability limits of \$250,000 per occurrence and in the aggregate, as approved by the Department.

134.21(1) *Licensed company.* A licensed company is required to provide environmental liability insurance for all licensed activities of the company and its licensed installers, liners and testers.

134.21 (2) *Licensed installers, liners, testers and inspectors.* Each licensed installer, liner, tester and inspector is required to provide proof of environmental liability insurance covering licensed activities. The insurance may be provided by the licensed company employing the individual, or by the individual licensee.

134.21(3) *Exception to this requirement.* Licensed installers, liners, testers and inspectors employed by owners or operators of underground storage tank systems, to work on their own system(s) and not for others, are exempted from insurance requirements. Licensed persons may install, line or inspect liquid underground storage tank systems owned by the licensed person's employer, but shall not perform both inspection and installation of a liquid underground storage tank system owned by the licensed company.

134.21(4) *Forms of acceptable insurance.*

a. All parties covered by the licensing provisions of this chapter shall provide evidence of environmental liability insurance to the Department upon request. This subrule applies to all companies and individuals as outlined in rule 134.21(455B).

(1) Rescinded IAB 3/24/99, effective 12/31/99.

(2) Environmental liability insurance may be provided by a private insurer authorized to do business in Iowa.

(3) Evidence of environmental liability insurance may be provided using methods of self-insurance as outlined in 567—Chapter 136.

(4) Environmental liability insurance shall, at minimum, cover the same risks as provided for by the board in its approved insurance document form.

b. to g. Rescinded IAB 3/24/99, effective 12/31/99.

567—134.22(455B) *Installers.* Installers of underground liquid storage tank systems shall apply for a license as an installer and shall indicate on the license application the types of installations and upgrade procedures they use.

134.22(1) *Installer licensing requirements.* The requirements are as follows. The applicant shall:

- a. Possess two years of experience in underground storage tank system installation procedures or other experience approved by the Department.
- b. Pay the annual licensing fee as provided for in rule 134.19(455B).
- c. Provide evidence of environmental liability insurance as provided for in rule 134.21(455B).
- d. Complete the educational and examination requirements described in rule 134.20(455B), unless otherwise excepted under 134.20(2).
- e. The applicant shall provide proof of certification, training or approval from the manufacturers or suppliers of underground liquid storage tank systems for which the applicant is requesting a license to install or upgrade including, but not limited to:
 - (1) Tank systems.
 - (2) Piping systems.
 - (3) Leak detection and monitoring systems.
 - (4) Corrosion protection systems.
- f. The applicant shall not have been issued a certificate of noncompliance from the child support recovery unit.

134.22(2) Responsibilities of installers. A licensed installer shall be on site during the performance of all work, including subcontracted work, for which the owner/operator has contracted to have completed by the installer. A licensed installer does not need to be on site during paving, site grade preparations or when electrical work is being conducted. If removal is a part of the work being completed by or subcontracted by the installer, these same rules apply. Work on the site may be subcontracted by the licensed installer to another person or firm. The licensed installer is responsible for the integrity of the complete installation under the control of the licensed installer. Tank installation includes all work associated with the placement of the tanks, pipes, pumps, dispensers, gauging systems, monitoring systems, corrosion protection, containment devices, and ancillary systems which, if installed incorrectly, could cause or delay detection of a leak. This specifically includes excavation, equipment placement, backfilling, piping, electrical work, paving, testing calibration and start-up.

134.22(3) Documentation of work performed, installers and liners. Installations of all new systems or upgrading to meet USEPA or 591—11.4(455G) requirements of underground liquid

storage tank systems requires the submission to the Department of a copy of the new owner-signed DNR Form 148 by the licensed company. Each licensed installer or liner responsible for the new system installation or the upgrading of an existing system shall sign the DNR Form 148 as required by 567—paragraph 135.3(3) “e.”

567—134.23(455B) Testers. Testers of underground liquid storage tank systems shall apply for licensing as a tester and note on the license application the systems and method(s) of testing they will use. If the applicant is employed by a licensed installer company as an installer or liner, a separate tester application is not required.

134.23(1) *Tester licensing requirements.* The requirements are as follows. The applicant shall:

- a. Possess one year’s experience in testing underground storage tank system installations.
- b. Pay the annual licensing fee as provided for in rule 134.19(455B).
- c. Provide evidence of environmental liability insurance as provided for in rule 134.21(455B).
- d. Provide the Department proof of certification, training or approval from the manufacturers or suppliers of testing methods and systems for which the applicant is seeking a license and, after January 1, 1995, meet requirements outlined in rule 134.20(455B).
- e. The applicant shall not have been issued a certificate of noncompliance from the child support recovery unit.

134.23(2)) *Approval of testing systems.* Testing systems which have been evaluated by the USEPA or the DNR and which meet or exceed the USEPA criteria for the detection of leaks and cathodic protection shall be accepted.

134.23(3) *Documentation of work performed—testers.* A copy of the test results shall be attached to the DNR Form 148 when testing is done in connection with a new or the upgrading of an existing underground liquid storage system installation. A precision test is required when the system is covered and is ready to be placed into service; a volumetric, nonvolumetric or vacuum test may be used as a method for testing the system and a hydrostatic pressure test may be used for testing the lines. Systems used for leak detection or monitoring, such as statistical inventory reconciliation, vapor or water monitoring wells or tracer type tests, shall not be acceptable as a precision test at the completion of the installation of a new or upgrading of an existing system.

Automatic in-tank gauging may be acceptable if third-party USEPA approval as a precision test has been received for testing tanks.

a. The test results shall identify the tanks tested, the test method employed, the results of the test, and shall be dated and signed by the licensed tester performing the tests.

b. The original DNR Form 148 without attachments shall be mailed to the DNR.

c. Inspectors are not required for testing liquid underground storage tank systems, lines, leak detection and cathodic protection as required by 567—Chapter 135 after the liquid underground storage tank systems have been put into service.

567—134.24(455B) Additional liner requirements. Liners of underground liquid storage tank systems shall apply for licensing as a liner and the liner and lining system must be an USEPA-approved system.

134.24(1) *Liner licensing requirements.* The requirements are as follows:

a. The applicant must possess at least one year of experience in lining underground storage tank systems with an approved lining method (see subrule 134.24(2)).

b. The applicant must pay the annual licensing fee as provided for in rule 134.19(455B).

c. The applicant must complete educational and examination requirements described in rule 134.20(455B) unless otherwise excepted under 134.20(2).

d. The applicant must provide evidence of environmental liability insurance as provided for in rule 134.21(455B).

e. The applicant must be certified, licensed or approved by a lining system manufacturer or supplier for which the applicant is requesting a license and which meets the requirements in subrule 134.24(2). A copy of the lining system specification installation instructions and other documentation shall be provided to the Department with the license application.

f. The applicant shall not have been issued a certificate of noncompliance from the child support recovery unit.

134.24(2) *Approval of lining systems.* The lining method employed must be specifically designed for the purpose, compatible with the product stored, and meet acceptable national standards. The following standards are acceptable:

a. American Petroleum Institute, Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks, API 1631; or

b. National Leak Detection Association, Interior Inspection, Repair and Lining of Steel and Fiberglass Storage Tanks, NLPA Standard 631, Draft of the Third Edition, February 1990.

c. No other standard will be acceptable for lining. Licensed liners shall certify, in writing to the inspector, if the system is being fully upgraded, that the requirements as noted in subrule 134.24(2) have been met. If the system is only being lined, the liner shall certify to the Department that the requirements as noted under —134.24 have been met.

134.24(3) *Documentation of work performed—liners.* Liners shall follow the process as outlined in subrule 134.22(3) for the documentation of work performed.

567—134.25(455B) Inspectors. Inspectors of underground liquid storage tank systems shall apply for licensing as an inspector and shall be trained and licensed to do the requisite work. Engineers that have met requirements in Iowa to be a registered professional engineer (P.E.) may be exempt from the educational requirement as provided for in rule 134.20, but not the examination requirement.

134.25(1) *Inspector licensing requirements.* The requirements are as follows:

a. The applicant must possess at least one year of experience in underground storage tank system installations, testing, inspecting or design.

b. The applicant must pay the annual licensing fee as provided for in rule 134.19(455B).

c. The applicant must complete educational and examination requirements as described in rule 134.20 unless otherwise excepted under 134.20(2).

d. The applicant must provide evidence of environmental liability insurance as provided for in rule 134.21.

e. The applicant shall not have been issued a certificate of noncompliance from the child support recovery unit.

134.25(2) *Documentation of work performed—inspector.*

a. A copy of the inspection report shall be attached to the DNR Form 148 when the inspection is done in connection with a new system or the upgrading of an existing underground

liquid storage system installation. “Repair” and “Maintenance” as defined in 134.17 do not require inspection.

(1) A licensed inspector shall inspect the job site a minimum of two times during the course of the new tank or system installation or the upgrading of an existing system.

(2) If the work being completed consists of the adding or replacement of spill or overfill devices, lining or cathodic protection designed by a corrosion expert, an inspection is not required.

(3) If the work being done consists of more than lining or adding or replacement of spill/overfill equipment, then an inspection shall be completed.

b. New installations and upgrades shall have one of the inspections take place prior to the covering of the system when all tanks and pipes are exposed. The final inspection shall take place when all systems are operational and the system has been covered, but shall occur prior to actual operation. The inspector shall be present and visually observe the final inspection and be able to attest to the results. A video or other recording device showing the work completed by the installer or liner shall not be used nor shall it be an acceptable method of providing independent inspection of the work completed.

134.25(3) *Compensation.* Licensed inspectors shall be compensated on the basis of a fee for each inspection by the owner or operator.

567—134.26(455B) Inspector notification regulation.

134.26(1) The licensed company is responsible for notifying the licensed inspector hired by the owner/operator prior to performing approved work. The owner/operator is responsible for notifying any state or local agency with rules impacting installations or upgrades, and identifying who the inspector shall be, if other than a governmental entity.

134.26(2) Work plan approval requires prior notice to the inspector. The notification shall include, at a minimum, the following information:

- a.* Description of the work planned.
- b.* The licensed individual responsible for the work to be performed.
- c.* A schedule of the work to be performed.

The inspector shall review the work plan, and any required changes by the inspector must be submitted to the installer prior to the beginning of the described work.

134.26(3) A “preinstallation checklist” as approved by the Department shall be submitted at least 14 days prior to an installation or upgrade by the licensed company to the inspector and the Department.

134.26(4) Inspectors are required to use an inspection form or checklist which has been approved by the Department. Payment for services and Department-approved secondary containment is dependent on the owner or operator as required herein having the work inspected.

134.26(5) The licensed inspector and licensed individual or company shall agree upon an inspection schedule before work commences.

134.26(6) Rescheduling due to weather or unforeseen job-site conditions shall be done as soon as the extenuating circumstances are recognized to minimize the disruption of schedules.

134.26(7) Inspectors who work directly for or as a subsidiary of a licensed company may not inspect the work of those licensed companies.

a. If the inspector establishes a contract to perform inspection services for a company or individual in any form, or performs more than five inspections per calendar year for any one company or individual, then the inspector is required to disclose that relationship in writing to the Department within 30 days of the fifth inspection.

b. The Department may require the owner or operator to seek alternative inspection services for any reason deemed prudent to ensure quality installations.

134.26(8) An inspector has the right to keep work from starting or to stop work on a job if standards as outlined herein are not followed by the installer. Furthermore, once an inspector has been placed on a job, that inspector cannot be replaced without the Department's approval.

567—134.27(455B) Standards. Standards for new tank installations are prescribed in 567—Chapter 135, the federal technical standards for underground storage tank systems (40 CFR Part 280) and the following publications:

1. Underground Storage Tanks; Technical Requirements and State Program Approval Final Rules, 40 CFR Parts 280 & 281, Part II, Federal Register, Friday, September 23, 1988, and 567—Chapter 135, except as mandated by upgrade requirements in 591—11.4(455G).

2. Installation of Underground Storage Systems, American Petroleum Institute Publication 1615, 1987.

3. Recommended Practice for the Installation of Underground Liquid Storage System, Petroleum Equipment Institute RP100-90.

4. American National Standard Code for Pressure Piping, American Society of Mechanical Engineers Standard ANSI B31.

567—134.28(455B) General procedures.

134.28(1) Database. The Department will maintain a database including the following information:

- a. Liquid underground storage tank systems registered with the Department.
- b. Licensed individuals (installers, liners, testers, inspectors).
- c. Licensed companies (employers of licensed individuals).
- d. Violations (including disposition or status).

134.28(2) Revocation of license. A license may be revoked for 12 months if the licensed company or individual, including installers, testers, liners or inspectors:

- a. Fails to perform duties or the assigned work consistent with industry standards as outlined in 567—Chapter 134, Part C.
- b. Intentionally falsifies reports to the Department.
- c. Intentionally fails to report to the Department when a prohibited practice regulated by this chapter is observed or identified at a site at which they are performing work regulated by this chapter.
- d. Fails to report to the Department any practice by any party, including the owner/operator, which is prohibited under these rules.
- e. Acts in collusion with any other party.
- f. Fails to report a release from an underground storage tank system to the Department that is discovered by the licensed individual at a site at which they are performing work regulated by this chapter, but which has not been reported as required under 567-135.6.
- g. A license will be revoked upon receipt by the Department of a certificate of noncompliance from the child support recovery unit.

134.28(3) *Appeal.* Nothing herein shall eliminate the ability of the license holder to appeal, under Iowa Code chapter 17A procedures, any administrative action allowed by these rules. Notwithstanding Iowa Code section 17A.18, the obligor does not have a right to a hearing before the Department to contest the Department actions under Iowa Code chapter 252J but may request a court hearing pursuant to Iowa Code section 252J.9 within 30 days of the provision of notice under this section.

Item 3. Amend sub-paragraph 567-135.3(1)"e"(2) as follows:

(2) The installer has been certified or licensed by the Department as provided in 567-chapter 134, Part C .

These rules are intended to implement 2007 Iowa Acts, S.F. 499 and Iowa Code chapter 252J.

Administrative Rule Fiscal Impact Statement

Date: 6/11/2007

Agency: Iowa Department of Natural Resources

IAC Citation: 567-Chapter 134

Agency Contact: Paul Nelson

Summary of the Rule: These existing Iowa Comprehensive Petroleum Underground Storage Tank Board (Board) rules pertain to the licensing of (UST) installers, installer inspectors, testers and UST liners. The Board licensing authority for UST installers, installer inspectors, testers and liners is being transferred to the Commission and these emergency rules are intended to effectuate that transition.

Fill in this box if the impact meets these criteria:

☒ No Fiscal Impact to the State.

☐ Fiscal Impact of less than \$100,000 annually or \$500,000 over 5 years.

☐ Fiscal Impact cannot be determined.

Brief Explanation: The current fees collected for licensing is expected to cover the costs of the new program. The department already certifies Groundwater Professionals and Underground Storage Tank Compliance Inspectors. These certification programs will be administered and tracked together.

Fill in the form below if the impact does not fit the criteria above:

☐ Fiscal Impact of \$100,000 annually or \$500,000 over 5 years.

* Fill in the rest of the Fiscal Impact Statement form.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY)</u>	<u>Year 2 (FY)</u>
Revenue by Each Source:		
GENERAL FUND		
FEDERAL FUNDS		

Other (specify)		
TOTAL REVENUE		
Expenditures:		
GENERAL FUND		
FEDERAL FUNDS		
Other (specify)		
TOTAL EXPENDITURES		
NET IMPACT		
<p><input checked="" type="checkbox"/> This rule is required by State law or Federal mandate. <i>Please identify the state or federal law:</i> 2007 Iowa Acts, S.F. 499, section 10 requires the Commission to adopt existing Iowa Comprehensive Petroleum Underground Storage Tank Board (Board) rules on licensing of installers contained in 591 Iowa Administrative Code chapter 15 by emergency rulemaking no later than August 1, 2007.</p> <p><input type="checkbox"/> Funding has been provided for the rule change. <i>Please identify the amount provided and the funding source:</i></p> <p><input type="checkbox"/> Funding has not been provided for the rule. <i>Please explain how the agency will pay for the rule change:</i></p>		
<p><i>Fiscal impact to persons affected by the rule:</i> The licensing program will not change so there will be no impact.</p>		
<p><i>Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6):</i> The licensing program will not change so there will be no impact.</p>		
<p>* If additional explanation is needed, please attach extra pages.</p> <p>Agency Representative preparing estimate: Paul Nelson Telephone Number: 515-281-8779</p>		